
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Pork Antitrust Litigation_____

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:

Sysco Corp. v. Agri Stats, Inc., et al.,
Case No. 21-cv-1374 (D. Minn.)

JOINT MOTION REGARDING CONTINUED SEALING

Documents have been filed under temporary seal in connection with the following motion:

<i>Sysco Corporation's and Carina Ventures LLC's Joint Motion for Substitution of Plaintiff</i>	<i>Doc No. 1940</i>
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Pursuant to LR 5.6, the parties submit this Joint Motion Regarding Continued Sealing.

DKT. NO.	DKT. NO. OF REDACTED VERSION (IF FILED)	DESCRIPTION OF DOCUMENT	PRECISELY IDENTIFY: a) The information that the parties agree should remain sealed; b) The information the parties agree should be unsealed; and c) The information about which the parties disagree.	NONPARTY THAT DESIGNATED DOC. CONFIDENTIAL (IF ANY)	REASON WHY DOCUMENT SHOULD REMAIN SEALED OR BE UNSEALED
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1971	1972	<p>Defendants' Memorandum in Opposition to Joint Motion for Substitution of Plaintiff</p>	<p>Defendants' position is that this document should be unsealed.</p> <p>Sysco requests continued sealing of the presently redacted information on pages 6-7 of Defendants' Opposition (Dkt. 1972). Sysco takes no position on the redactions in the remainder of the document.</p> <p>Amory takes no position on the presently redacted information on pages 6-7 of Defendants' Opposition (Dkt. 1972). Amory does not oppose unsealing of the remainder of the document.</p>	<p><u>Defendants:</u> Defendants propose unsealing this entire document because it concerns a matter of public concern, the redacted information, while designated as confidential by Sysco and Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Sysco:</u> Sysco objects to Defendants' proposed unsealing of the presently redacted information on pages 6-7 of Defendants' Opposition (Dkt. 1972). Those pages quote from or purport to paraphrase or characterize the depositions of Sysco witness Joe Don Eilers and Sysco 30(b)(6) deponent Sheb Cotter, both of which were properly designated by Sysco as Highly Confidential under Paragraph 5 of the Amended Protective Order (ECF No. 1155). The testimony at issue contains confidential and highly sensitive business information, methods, and analysis relevant to Sysco's ongoing business operations.</p> <p>Moreover, the information on pages 6-7 of Defendants' Opposition is wholly irrelevant to the Motion for Substitution and was therefore improperly included in Defendants' Opposition.</p> <p>Sysco submits that the current redactions are proper and should be maintained.</p> <p><u>Amory:</u> Amory agrees with Sysco that the redacted information on pages 6-7 is</p>
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					irrelevant to the Motion for Substitution but takes no position as to its unsealing. The redacted information on page 29 is also irrelevant to the Motion, but Amory does not object to its unsealing.
1974	N/A	Index to Exhibits Filed Under Seal	Defendants, Sysco, and Amory agree that this document should be unsealed.		<p><u>Defendants:</u> Defendants propose unsealing this document because it contains no confidential information.</p> <p><u>Sysco:</u> Sysco agrees to the unsealing of this document because it contains no confidential information.</p> <p><u>Amory:</u> Amory agrees to the unsealing of this document because it contains no confidential information.</p>

1974-1	N/A	Exhibit C to the Declaration of Craig Coleman in Support of Defendants' Memorandum in Opposition to Joint Motion for Substitution of Plaintiff ("Coleman Substitution Decl.")	<p>Defendants' position is that this document should be unsealed.</p> <p>Sysco requests continued sealing.</p> <p>Amory takes no position as to the continued sealing of this document.</p>	<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Sysco, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Sysco:</u> Sysco objects to Defendants' proposed unsealing of Exhibit C to the Coleman Substitution Decl., which contains excerpts from the deposition of Sysco witness Joe Don Eilers, which was properly designated by Sysco as Highly Confidential under Paragraph 5 of the Amended Protective Order (ECF No. 1155). The testimony at issue contains confidential and highly sensitive business information, methods, and analysis relevant to Sysco's ongoing business operations.</p> <p>Moreover, the testimony is wholly irrelevant to the Motion for Substitution and was therefore improperly included in Defendants' Opposition.</p> <p>Sysco submits that the document should be maintained under seal.</p> <p>Amory takes no position as to the continued sealing of this document.</p>
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1974-2	N/A	Exhibit D to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Sysco requests continued sealing.</p> <p>Amory takes no position as to the continued sealing of this document.</p>	<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Sysco, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Sysco:</u> Sysco objects to Defendants' proposed unsealing of Exhibit D to the Coleman Substitution Decl., which contains excerpts from the deposition of Sysco 30(b)(6) deponent Sheb Cotter, which was properly designated by Sysco as Highly Confidential under Paragraph 5 of the Amended Protective Order (ECF No. 1155). The testimony at issue contains confidential and highly sensitive business information, methods, and analysis relevant to Sysco's ongoing business operations.</p> <p>Moreover, the testimony is wholly irrelevant to the Motion for Substitution and was therefore improperly included in Defendants' Opposition.</p> <p>Sysco submits that the document should be maintained under seal.</p> <p>Amory takes no position as to the continued sealing of this document.</p>
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1974-3	N/A	Exhibit I to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>
1974-4	N/A	Exhibit J to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>
1974-5	N/A	Exhibit K to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>

1974-6	N/A	Exhibit L to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>
1974-7	N/A	Exhibit M to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>

Respectfully Submitted,

Dated: August 28, 2023

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